

**Gross Declaration**  
**EXHIBIT 12**

**MONTANA BOARD OF ENVIRONMENTAL REVIEW**

**IN THE MATTER OF: )**  
**APPEAL AMENDMENT AM4 )**  
**WESTERN ENERGY )**  
**COMPANY, ROSEBUD STRIP )**  
**MINE AREA B )**  
**PERMIT NO. C1984003B )**  

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**CAUSE NO. BER 2016-03 SM**

**DECLARATION OF STEVEN GROSS IN SUPPORT OF RESPONDENT-  
INTERVENORS' OPPOSITION TO PETITIONERS' MOTION FOR SUMMARY  
JUDGMENT**

I, Steven Gross, declare under the penalty of perjury as follows:

1. I am the Business Manager for the International Union of Operating Engineers, Local 400 ("IUOE Local 400" or the "Union"). I offer this Declaration based on my personal knowledge.
2. The IUOE is a trade union that represents operating engineers who work with heavy equipment, stationary engineers who work in operations and maintenance, and miners.
3. Approximately 400 Montana miners are members of IUOE Local 400, including approximately 300 employees at Western Energy Company's Rosebud Mine surface mining complex near Colstrip, Montana. Those miners are subject to a collective bargaining agreement effective though February, 2019. The Union has represented workers at the Rosebud Mine complex since approximately 1970.
4. IUOE Local 400's members and their families depend on their jobs at the Rosebud Mine. These jobs depend on Western Energy's ability to obtain permits to mine. Prohibiting, curtailing, or delaying Western Energy's proposed expansion imperils union jobs at the mine and may prevent new jobs associated with that expansion.
6. A ruling that prohibits, curtails or delays Western Energy's proposed expansion would result in substantial hardship for the members of IUOE Local 400 and their families. Many could be forced to uproot their families and relocate to find employment.

7. The members of IUOE Local 400 care about the environment and are very proud of the reclamation efforts they have performed at the Rosebud Mine. In fact, the Rosebud Mine has won numerous awards for its reclamation efforts, including the Director's Award for Excellence in Surface Coal Mining & Reclamation issued by the United States Department of the Interior.

I declare under penalty of perjury that foregoing is true and correct.

Executed this 21<sup>st</sup> day of July 2016.

A handwritten signature in black ink, appearing to read "Steven Gross", is written over a horizontal line.

Steven Gross, Business Manager for the International  
Union of Operating Engineers, Local 400